

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action No. 04-11937DPW

ROBERT JOHNSON,)
Plaintiff,)
vs.)
TOWN OF SANDWICH, MARYGAIL)
ALESSE, PATRICK R. ELLIS, ROBERT)
S. JONES, DIANE T. TUCKER, JOHN S.)
JILLSON, JAN L. TEEHAN and)
GEORGE H. DUNHAM,)
Defendants)

DEFENDANTS' ANSWER TO PLAINTIFF'S VERIFIED COMPLAINT

The Defendants, Town of Sandwich, Marygail Alesse, Patrick R. Ellis, Robert S. Jones, Diane T. Tucker, John S. Jillson, Jan L. Teehan, and George H. Dunham (hereinafter "Defendants") respond to the Plaintiff's allegations paragraph by paragraph as follows:

PARTIES AND JURISDICTION

1. The Defendants are without information or knowledge sufficient to form a belief as to the truth of the allegations contained in this paragraph.
2. The Defendants admit the allegations contained in this paragraph.
3. The Defendants admit that Marygail Alesse was a selectman at all relative times. The Defendants deny the remaining allegations contained in this paragraph.

4. The Defendants admit that Patrick R. Ellis was a selectman at all relative times. The Defendants deny the remaining allegations contained in this paragraph.
5. The Defendants admit that Robert S. Jones was a selectman at all relative times. The Defendants deny the remaining allegations contained in this paragraph.
6. The Defendants admit that Jan L. Teehan was a selectman at all relative times. The Defendants deny the remaining allegations contained in this paragraph.
7. The Defendants admit that Diane T. Tucker was a selectman at all relative times. The Defendants deny the remaining allegations contained in this paragraph.
8. The Defendants admit that John S. Jillson was a selectman at all relative times. The Defendants deny the remaining allegations contained in this paragraph.
9. The Defendants admit that George H. Dunham was the Town Administrator at all relative times. The Defendants deny the remaining allegations contained in this paragraph.
10. The Defendants state that paragraph 10 contains a conclusion of law and therefore no response is required.

SUMMARY OF THE FACTS

11. The Defendants are without information or knowledge sufficient to form a belief as to the truth of the allegations contained in this paragraph.

12. The Defendants admit that the Plaintiff became a police officer with the Sandwich Police Department. The Defendants deny the remaining allegations contained in this paragraph.
13. The Defendants admit that the Plaintiff was promoted to sergeant. The Defendants deny the remaining allegations contained in this paragraph.
14. The Defendants deny the allegations contained in this paragraph.
15. The Defendants deny the allegations contained in this paragraph.
16. The Defendants admit the allegations contained in this paragraph.
17. The Defendants admit the allegations contained in this paragraph.
18. The Defendants admit that during 1997 and following, the Commonwealth of Massachusetts, through Civil Service, conducted examinations for the positions of Police Chief for municipalities throughout the Commonwealth of Massachusetts which were under Civil Service. The Defendants deny the remaining allegations contained in this paragraph.
19. The Defendants deny the allegations contained in this paragraph.
20. The Defendants deny the allegations contained in this paragraph.
21. The Defendants deny the allegations contained in this paragraph.
22. The Defendants deny the allegations contained in this paragraph.
23. The Defendants deny the allegations contained in this paragraph.
24. The Defendants state that the letter speaks for itself. To the extent that the recitation is not accurate, the allegations are denied.
25. The Defendants state that the letter speaks for itself. To the extent that the recitation is not accurate, the allegations are denied.

26. The Defendants state that the letter speaks for itself. To the extent that the recitation is not accurate, the allegations are denied.
27. The Defendants admit that Civil Service provides a preference for disabled veterans. The Defendants deny the remaining allegations contained in this paragraph.
28. The Defendants admit the allegations contained in this paragraph.
29. The Defendants deny the allegations contained in this paragraph.
30. The Defendants deny the allegations contained in this paragraph.
31. The Defendants admit the allegations contained in this paragraph.
32. The Defendants state that the Notice speaks for itself. To the extent that it was misquoted, the allegations are denied.
33. The Defendants deny the allegations contained in this paragraph.
34. The Defendants deny the allegations contained in this paragraph.
35. The Defendants deny the allegations contained in this paragraph.
36. The Defendants deny the allegations contained in this paragraph.
37. The Defendants deny the allegations contained in this paragraph.
38. The Defendants deny the allegations contained in this paragraph.
39. The Defendants deny the allegations contained in this paragraph.
40. The Defendants deny the allegations contained in this paragraph.
41. The Defendants deny the allegations contained in this paragraph.
42. The Defendants deny the allegations contained in this paragraph.
43. The Defendants deny the allegations contained in this paragraph.
44. The Defendants deny the allegations contained in this paragraph.
45. The Defendants deny the allegations contained in this paragraph.
46. The Defendants deny the allegations contained in this paragraph.

47. The Defendants deny the allegations contained in this paragraph.
48. The Defendants admit the allegations contained in this paragraph.
49. The Defendants deny the allegations contained in this paragraph.
50. The Defendants deny the allegations contained in this paragraph.
51. The Defendants deny the allegations contained in this paragraph.
52. The Defendants deny the allegations contained in this paragraph.
53. The Defendants deny the allegations contained in this paragraph.
54. The Defendants deny the allegations contained in this paragraph.
55. The Defendants deny the allegations contained in this paragraph.
56. The Defendants deny the allegations contained in this paragraph.

CAUSES OF ACTION

57. The Defendants deny the allegations contained in this paragraph.
58. The Defendants deny the allegations contained in this paragraph.
59. The Defendants deny the allegations contained in this paragraph.
60. The Defendants deny the allegations contained in this paragraph.
61. The Defendants deny the allegations contained in this paragraph.
62. The Defendants deny the allegations contained in this paragraph.
63. The Defendants deny the allegations contained in this paragraph.
64. The Defendants deny the allegations contained in this paragraph.
65. The Defendants deny the allegations contained in this paragraph.
66. The Defendants deny the allegations contained in this paragraph.
67. The Defendants deny the allegations contained in this paragraph.
68. The Defendants deny the allegations contained in this paragraph.
69. The Defendants deny the allegations contained in this paragraph.
70. The Defendants deny the allegations contained in this paragraph.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

By way of affirmative defense, the Defendants state that the Plaintiff failed to file his Complaint with the Administrative Agency as required within the applicable statute of limitations.

SECOND AFFIRMATIVE DEFENSE

By way of affirmative defense, the Defendants state that the Plaintiff has failed to state a claim upon which relief can be granted, pursuant to Mass. R. Civ. P. 12(b)(6).

JURY CLAIM

THE DEFENDANTS CLAIM A TRIAL BY JURY ON ALL COUNTS SO TRIABLE.

Respectfully submitted,
The Defendant,
Town of Sandwich, Marygail Alesse, Patrick R.
Ellis, Robert S. Jones, Diane T. Tucker, John S.
Jillson, Jan L. Teehan, and George H. Dunham,
By their attorneys,

/s/ Deborah I. Ecker

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